

REMARKS

A. Overview

Claims 1-39 are pending in the present application. All claims stand rejected.

The Office Action has been carefully reviewed. Applicant respectfully submits patentable subject matter exists in the application. Reconsideration of the rejection is respectfully requested based on the following arguments.

B. § 103 Rejection

The Examiner has maintained an obviousness rejection of all claims based on a combination of Fogerty U.S. 5,186,673 in view of Norman U.S. 6,227,930. Applicant respectfully traverses the rejection.

It is respectfully submitted a fundamental material limitation of Applicant's claims is missing from either Fogerty or Norman. Claim 1, for example, specifies the material has a "relatively thin, uniform thickness". It therefore is describing a sheet or piece of a wrappable material. Secondly, claim 1 specifies the material is "conformable, light weight, cohesive self-adherent elastic wrappable material".

An analysis of obviousness requires that the claim, in its entirety, be considered relative to the teachings or suggestions of the cited references. It is insufficient that certain limitations of the claim are found in the prior art.

Fogerty and Norman have been carefully reviewed. Both references do not disclose, teach, or suggest the above itemized limitations of Applicant's claim 1.

The Examiner characterizes Fogerty as disclosing simulated clothing for a doll "secured by a pair of mating two-part hook and loops strips (25, 27) (Velcro)". Office Action, page 2.

This is incorrect. Certainly hook and loop fasteners are used to connect parts of the conventional fabric clothing piece, but it is resilient waist band 14, resilient molded plastic under jacket 22, resilient plastic under jacket 44, or resilient waist ring 38 which secure the clothing to the doll. These pieces, not the Velcro, allow the fabric clothing piece to be snapped on or around a portion of the doll. Essentially Fogerty teaches adding a separate clip piece sewed onto the fabric to allow it to be snapped on to a doll, in addition to adding separate hook and loop fastener complimentary pieces to different parts of the fabric to allow opposite sides of the fabric to be locked together. Contrary to Applicant's claim 1, the Fogerty fabric that makes the simulated clothing for the doll is not conformable lightweight cohesive self-adherent elastic wrappable material. At most, Fogerty states it is "flexible fabric panel 12" (column 2, line 67). The intent of Fogerty is to use actual fabric for realism for the clothing piece. But to do this requires the addition of the Velcro pieces and the resilient clip. Again, the Fogerty material for the simulated piece of clothing (fabric 12) is not self adherent. It requires the addition of the hook and loop fasteners by adhesive or sewing to connect portions of fabric 12. Also, fabric 12 is not elastic. It is flexible but not elastic.

Norman goes in a different direction than Fogerty. It does use elastomeric materials, which are flexible and elastic, to mold simulated pieces of doll clothing. Norman states that flexible and elastic molded material "provides a high degree of realism as compared with prior art garment-simulating articles. The realism is further enhanced by decorating the garment using paint, varnish, glitter, etc." (Column 2, lines 21-25). However, Norman does not teach or suggest a material which is "conformable, light weight, cohesive self-adherent elastic wrappable material" or a material that has a "relatively thin, uniform thickness". As can be seen by the figures in Norman, the entire three dimensional piece of clothing is molded. By definition this is

not a piece of material with a relatively thin uniform thickness. Furthermore, nowhere is there any disclosure, teaching or suggestion that the elastomeric material is self-adherent. In fact, Norman teaches and discloses the way the simulated doll garments are attached or mounted on a three dimensional doll is that they are "donned" (column 2, lines 39 and 41). Arms are inserted through sleeves. Legs are inserted into dresses, trousers, and skirts. This holds the garment onto the three dimensional doll. However, no part of the garment is self-adherent to itself. Furthermore, no part is adherent to the doll.

Applicant's arguments and the Rule 132 Declaration submitted previously and of record are incorporated by reference herein. They are respectfully submitted to be relevant and pertinent to the issue of obviousness. Although the Examiner discounts the Rule 132 Declaration as attacking the references individually and alleges that is improper, to the contrary it is respectfully submitted the Declaration and the actual commercial examples of the Fogerty and Norman-type doll clothing are on point. They show each reference goes in a different direction than Applicant's claimed invention. They also support the finding that there is no suggestion of combining Fogerty with Norman or Norman with Fogerty. A *prima facie* case of obviousness not only requires that the cited combination teach or suggest the claimed invention as a whole, it also requires that there, first, be some suggestion that the cited references be combined. The point being made is that Norman and Fogerty fail on both accounts.

Fogerty teaches using actual clothing fabric for realism but adding resilient clips to attach it to the doll and Velcro to releasably attach parts of the clothing to one another. The material for the clothing itself is neither elastic nor self-adherent.

Norman goes into a completely different direction. It eschews using actual fabric for realism but instead molds entire pieces of clothing out of rubber. Except the pieces are not

conformable lightweight cohesive self-adhering elastic wrappable materials having a width length and relatively thin uniform thickness. They are essentially hung or inserted onto a three dimensional doll by putting arms through sleeves in apertures through dresses or pants.

Then, even if the teachings were combined, material limitations of Applicant's claims are missing, most notably that the material which simulates the doll clothing piece itself be self-adherent.

This is a classical situation where the cited references teach away from the claimed invention. Therefore, it is respectfully submitted that a *prima facie* case of obviousness is not made out by the rejection as to claim 1. It is further pointed out that claim 1 specifies that the characteristics of the material of Applicant's claim 1 allow that same piece to be applied or removed and reapplied to the doll "in almost any way or configuration, repeatedly removed and reapplied in the same or different configuration, or applied to different dolls or mannequins and secured by self-adhesion of overlapping portions of substantially any side or portion of the first piece." This is not true of either Fogerty or Norman. Norman, in particular, can fit only on specifically sized dolls and areas of dolls. In other words, the jacket cannot be placed on the doll's legs. The skirt cannot be placed on the doll's arm. The hat cannot be placed on the doll's leg. Similarly, Fogerty has specific sized and shaped resilient pieces for snapping the clothing onto a doll. The waistband 14 is sized to fit on the waist of a particular sized doll. It could not even be placed on a leg of that same doll. On the other hand, the resilient plastic under jacket 44 can only fit a fairly narrow ranges of sizes of torsos of dolls. It would not fit on the doll's arm or leg.

Because Applicant's claimed invention is a piece of material that is conformable and self-adherent and not folded to a certain shape or having resilient snap-on clips of a certain shape or

size, it can be placed on nearly any part of a doll and used on a plurality of different dolls of different sizes and configurations. It stays connected to any part of the doll because it can be conformingly wrapped around the piece. It adheres to itself in any location. Even the Fogerty Velcro does not comprise self-adherent dress material, but furthermore certainly does not allow the dress material to adhere to itself at any location. The benefits of the Applicant's claimed invention are described throughout the Specification.

It is therefore respectfully submitted Applicant's claim 1 is allowable over the cited art. The remaining independent claims have similar limitations to claim 1 and are submitted to be allowable for the reasons expressed in support of claim 1. The remaining claims are depending claims and are submitted to be allowable for the reasons expressed in support of the independent claims.

The Examiner also cites to U. S. Patent No. 4,197,670 to Cox. The Examiner seems to at least imply that Fogerty and Cox show self-adhesion. It is pointed out again that the Velcro of Fogerty is not self-adhesion. Velcro has one piece that has hook extensions. The complimentary piece has loop extensions. These are different materials and different pieces. They have to be sewn or attached to the fabric. The fabric is not self-adherent. The hook material is not self-adherent to the hook material. The loop material is not self-adherent to the loop material. It takes one piece of hook material attached to the fabric and one piece of loop material attached to a different part of the fabric to allow them to be releasably connected. This is not self-adherence of any of those pieces.

Likewise, the cited part of Cox merely states "the main doll is appropriately attired in simulated undergarments 36, and an outer garment 38. On the garment 38 is attached, as by sewing or adhesive, an adherent section 40, also of VELCRO material." (Col. 2, lines 13-16).

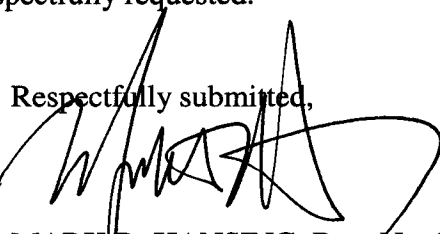
This is the same situation. The actual material simulating the doll clothing is not self-adherent. Neither are the complimentary hook and loop pieces of Velcro. Additionally, at page 3, third full paragraph, the Office Action implies Norman discloses self-adherent material. In no place is any of the molded rubber indicated to adhere to itself.

C. Conclusion

It is respectfully submitted that each matter raised in the Office Action has been addressed and remedied and that the application is in form for allowance.

Please consider this a one-month extension of time from July 5, 2006 to August 5, 2006 and charge Deposit Account No. 26-0084 the amount of \$60.00 for this extension. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,


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